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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,730	10/22/2003	Hironobu Hoshino	Q78065	3979

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

KOSTAK, VICTOR R

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 09/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/689,730

Applicant(s)

HOSHINO, HIRONOBU

Examiner

Victor R. Kostak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5 and 16-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4 and 16-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. Claims 1, 3, 4 and 16-27 are objected to because of the following informalities:

a) applicant now recites the term “normal” instead of “possible” throughout the claims, but (in an apparent oversight) still recites “possible” in claim 3 line 6 and claim 15 line 4.

b) the examiner is not so sure that term “non-normal” is an acceptable commonly used term, where “abnormal” may have been considered in its stead;

c) the newly recited phrase “non-normal operation stage” implies that the stage in question is not normal. According to applicant’s disclosure, the stages are all operational, but can fail to operate due to transmission errors. Applicant may have intended to recite something like an “abnormally operating stage”.

Appropriate correction is required.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 15, 18, 21, 24, 26 and 27, as amended (or added), are still rejected under 35 U.S.C. 102(b) as being anticipated by Aihara (of record).

Reviewing Aihara, (noting particularly Figs. 1, 4 and 7) he shuts off power to a receiver when it had been determined the reception is inadequate over a period of time (e.g. col. 5 lines 15-20). The arrangement (noting Fig. 1) includes plural components (stages) that respectively process the received signal for eventually displaying the reproduced imagery on end unit 10.

CPU 11 judges whether or not it is “normal” (a broad term which one of ordinary skill in the art

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cane consider as meaning having minimal error and thereby being a processable signal). The CPU responds to error detection done by stage 6 (col. 10 lines 42-46), and control device (power supply) 16 stops operation of the processing circuit 3 (as well as other stages) in response to the discrimination made by CPU 11.

Applicant argues that later stages are not cut off from power. Applicant, in fact, says that Aihara is directed to a “totally” different invention accomplishing a “drastically” different objective. This is far from the case to the extent that these claims are in fact anticipated.

It is very clear that the X- and Y- drivers, for example, are not powered as a result of the main body being shut off. The received signal is not reproduced by LCD 10 because there is no sense in displaying a signal that is inadequate. The drivers accordingly are deactivated as would be all of the stages. The signal stream output from stage 5 and input to stage 7 is the only channel from stage 5, from which a signal cannot continue downstream when the stage 5 has its power cut off. Aihara in fact states that “ ... *thereby stopping power supply to the tuner 3, a VIF 4, the microprocessor 5, the error detector 6, and the like* ... ” (col. 15 lines 6-9). The entire arrangement has its power cut off, which includes *all* of the stages.

Insofar as Aihara being “drastically” different in purpose, such is not relevant since the claims make no specificity of an objective. Nonetheless, and to the contrary, both applicant and Aihara are directed to saving power consumption of a receiver arrangement when a signal is not adequately processable (e.g. col. 14 lines 35-39; col. 15 lines 25-29), which is the same purpose as applicant’s. If Aihara turns his system back on eventually, that is irrelevant.

Claims 1 and 15 thereby stand rejected, as are new claims 26 and 27.

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Regarding claim 18, stage 6 can also include error correction (col. 7 line 9), which involves the removal of code error, which would be response time or rate based.

As for claims 21 and 24, Aihara includes memory/processors 5 and 11 (internal ROM: col. 14 lines 48-52) to store and compare error measurements to make the determination to shut off power. Also, the judgment criteria can change in that the tuning can be changed based on a priority of reception levels (e.g. Fig. 5).

3. Claims 1, 15, 16, 26 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Hewie (of record).

Hewie (noting Fig. 1) also receives a broadcast signal for processing at plural stages (e. g. stages 51-55, 59, 70 and 80), and includes a judgment device 60 for determining whether or not it is “normal” to process the signal in at least one of the stages (e.g. stage 70). Stage 14 controls the downstream stage 70 by cutting off power to its motor when the received signal is beyond an acceptable strength (col. 1 lines 29-41 and lines 60-75), thereby meeting claims 1 and 15.

As for claims 26 and 27, unnecessary operation of the downstream stages 70 and 80 is therefore eliminated and power saved from being used on them.

As for claim 16, the receiver includes an antenna 50 and tuner 51, and the signal strength (i.e. tuner reception strength) is used to determine the normality of processing the received signal.

4. Claims 1, 15, 17, 19, 20, 22 and 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by DeLuca et al.

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The portable broadcast receiver arrangement of DeLuca (noting Fig. 4) includes a plural stages (as shown). Stage 410 determines if the received signal is normal or not to be processed, by at least one of the stages. Stage 412 also cuts off power to the receiver (by way of stage 422) when a hard address error is detected. Since the receiver has its power cut off, then the downstream stages also fail to get power (from the battery 450 that provides power to the entire system is cut off), thereby meeting claims 1 and 15.

As for claims 26 and 27, unnecessary operation is avoided since the received signal is inadequate, and power of the battery is not wasted.

Regarding claim 17, receiver 402 includes FM demodulation, and sync data derived therefrom is measured, and whether or not it is adequate, the power is cut off or retained (DeLuca refers to patent #4,995,099 for sync processing details in receiver power conservation: col. 7 line 57). Again, if the battery is cut off from the receiver, then the entire system is deactivated.

As for claim 19, DeLuca includes a POCSAG decoder (e.g. col. 3 line 39; col. 4 line 49), and the bit-error rate is measured to determine if the received signal is normal for processing (e.g. col. 3 line 43). The power is cut off when it has been determined that the signal is not adequate.

As for claims 20 and 22, processor 410 and memory 424 store judgment criteria to decide if the signal is adequate for processing, and therefore keep the power supplied.

As for claims 23 and 25, the judgment criteria can be changed (col. 7 lines 32-49).

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aihara in view of Obitsu (also of record).

Aihara discloses stage 6 for detecting acceptable/unacceptable reception conditions by the tuner, and says that one example involves detecting error correction data when teletext information is included in the television broadcast (col. 7 lines 5-10). This text indicates that such is an example of the signal quality judgment operation.

Tuner stage 3 and related stage 4 pass the received tuned signal to microprocessor 5 for determining the "normality" of the signal, which, as noted above, can be done by stage 6 when teletext data is included, for example.

It would have been obvious to one of ordinary skill in the art to measure any parameter of the received tuned signal in judging the quality or normality of the broadcast signal, such as the signal strength, as taught by Obitsu, who, like Aihara, also considers such signal quality measurement to save power consumption (e.g. col. 2 lines 18-28), thereby meeting claim 16.

As for claims 3 and 4, Aihara includes memory/processors 5 and 11 (internal ROM: col. 14 lines 48-52) to store and compare error measurements to make the determination to shut off power. Also, the judgment criteria can change in that the tuning can be changed based on a priority of reception levels (e.g. Fig. 5).

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor R. Kostak whose telephone number is (571) 272-7348. The examiner can normally be reached on Monday - Friday from 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David W. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, Virginia 22313-1450

Or faxed to:

(571) 273-8300

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service Office whose telephone number is (703) 308-HELP.



Victor R. Kostak
Primary Examiner
Art Unit 2622

VRK